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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,986	06/25/2003	Anthony J. Wasilewski	A-9233	3781

5642 7590 08/28/2006

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EXAMINER

CHAI, LONGBIT

ART UNIT PAPER NUMBER

2131

DATE MAILED: 08/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/602,986	Applicant(s) WASILEWSKI ET AL.	
	Examiner Longbit Chai	Art Unit 2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2006.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-27 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 05 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Original application contained claims 1 – 27. Presently, pending claims are 1 – 22.

Response to Arguments

2. Applicant's arguments with respect to the subject matter of the instant claims have been fully considered but are not persuasive.
3. As per claim 1 and 13, Applicant asserts Wasilewski does not teach selecting for encryption a digital bit stream from a plurality of digital bit streams using an identifier. Examiner respectfully disagrees because Wasilewski teaches (a) one or more bit streams of audio, video and data streams can be selected for encryption and besides, (b) each type of audio, video and data streams is assigned a packet ID (PID) and as such Wasilewski does teach selecting for encryption a digital bit stream from a plurality of digital bit streams using an identifier (Wasilewski: Figure 1 and Column 4 Line 65 – Column 5 Line 7 and Column 13 Line 65 – Column 14 Line 5).

Objection

4. The specification is objected to as failing to provide proper antecedent basis for the claim amendment filed 8/1/2006 because selecting for encryption a digital bit stream from a plurality of digital bit streams is not specifically disclosed using an identifier on the original specification (Provisional 60/054,578: Page 28, Line 25 – 28). See 37 CFR 1.75(d)(1) and MPEP § 608.01(o).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraph of 35 U.S.C. 102 that forms the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1 – 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Wasilewski (U.S. Patent 5,418,782).

As per claim 1 and 13, Wasilewski teaches a method for providing an instance in a conditional access system, the method comprising the steps of:

selecting for encryption a digital bit stream from a plurality of digital bit streams using an identifier (Wasilewski: Figure 1 and Column 4 Line 65 – Column 5 Line 7 and Column 13 Line 65 – Column 14 Line 5: one or more bit streams of audio, video and data streams can be selected for encryption and each type of audio, video and data streams is assigned a PID (packet ID) and as such Wasilewski does teach selecting for encryption a digital bit stream from a plurality of digital bit streams using an identifier);

encrypting the selected digital bit stream according to a first level encryption method to provide an encrypted instance (Wasilewski: Column 4 Line 65 – 67: one or more service components, such as video (V), audio (A), and data (CC) can be encrypted / or not-encrypted prior to transmission – i.e., any part of transport stream can be encrypted);

combining tire encrypted instance with the plurality of digital bit streams to provide a partially-encrypted bit stream (Wasilewski: Figure 1 Element 16 and Column 4 Line 65 – 67), and

transmitting the partially -encrypted bit stream (Wasilewski: Figure 1 Element 16 and Column 5 Line 4 – 15: by multiplexing the service component bit streams).

As per claim 2, 4, 14 and 15, Wasilewski teaches each of the plurality of digital bit streams includes a packet identifier, and wherein the selecting step selects the digital bit stream by identifying a predetermined packet identifier (Wasilewski: Column 13 Line 57 – Column 14 Line 16 and Figure 1 Element 16).

As per claim 3, Wasilewski teaches all of the selected digital bit stream is encrypted according to the first level encryption method (Wasilewski: Column 4 Line 65 – 67: one or more service components, such as video (V), audio (A), and data (CC) can be encrypted / or not-encrypted prior to transmission – i.e., any part of transport stream can be encrypted).

As per claim 5, Wasilewski teaches a portion of the selected digital bit stream is encrypted, wherein the encrypted portion and an unencrypted portion of the selected digital stream are combined with the plurality of digital bit streams (Wasilewski: Column 4 Line 65 – 67: one or more service components, such as video (V), audio (A), and data (CC) can be encrypted / or not-encrypted prior to transmission – i.e., any part of transport stream can be encrypted).

As per claim 6, Wasilewski teaches the selected digital bit stream is a program (Wasilewski: Column 13 Line 57 – Column 14 Line 16).

As per claim 7, Wasilewski teaches the selected digital bit stream is an elementary digital bit stream (Wasilewski: Column 13 Line 57 – Column 14 Line 16).

As per claim 8, Wasilewski teaches selecting more than one digital bit stream from the plurality of digital bit streams, wherein the more than one digital bit stream is identified by predetermined packet identifiers (Wasilewski: Column 13 Line 57 – Column 14 Line 16 and Figure 1).

As per claim 9, Wasilewski teaches each of the more than one digital bit stream includes a distinct packet identifier, wherein the selecting step selects the more than one digital bit stream by identifying at least one of the distinct packet identifiers (Wasilewski: Column 13 Line 57 – Column 14 Line 16 and Figure 1).

As per claim 10, Wasilewski teaches a portion of each of the more than one digital bit stream is encrypted according to the first level encryption method (Wasilewski: Column 4 Line 65 – 67: one or more service components, such as video (V), audio (A), and data (CC) can be encrypted / or not-encrypted prior to transmission – i.e., any part of transport stream can be encrypted).

As per claim 11, Wasilewski teaches all of the more than one digital bit stream is encrypted according to the first level encryption method (Wasilewski: Column 4 Line 65 – 67: one or more service components, such as video (V), audio (A), and data (CC) can be encrypted / or not-encrypted prior to transmission – i.e., any part of transport stream can be encrypted).

As per claim 12, Wasilewski teaches at least one of a portion of each of the more than one digital bit stream and all of the more than one digital bit stream is encrypted according to the first level encryption method (Wasilewski: Column 4 Line 65 – 67: one or more service components, such as video (V), audio (A), and data (CC) can be encrypted / or not-encrypted prior to transmission – i.e., any part of transport stream can be encrypted).

As per claim 16, Wasilewski teaches the encrypted portion includes at least one of the plurality of packets associated with the video stream (Wasilewski: Column 4 Line 65 – 67 and Figure 1).

As per claim 17, Wasilewski teaches the at least one of the plurality of packets is selected by the packet identifier indicative of the video stream (Wasilewski: Column 13 Line 57 – Column 14 Line 16 and Column 4 Line 65 – 67 and Figure 1).

As per claim 18, Wasilewski teaches the encrypted portion includes at least one of plurality of packets associated with the audio stream (Wasilewski: Column 13 Line 57 – Column 14 Line 16 Column 4 Line 65 – 67 and Figure 1).

As per claim 19, Wasilewski teaches the at least one of the plurality of packets is selected by the packet identifier indicative of the audio stream (Wasilewski: Column 13 Line 57 – Column 14 Line 16 Column 4 Line 65 – 67 and Figure 1).

As per claim 20, Wasilewski teaches the encrypted portion includes at least one of the plurality of packets associated with the data stream (Wasilewski: Column 13 Line 57 – Column 14 Line 16 Column 4 Line 65 – 67 and Figure 1).

As per claim 21, Wasilewski teaches the at least one of the plurality of packets is selected by the packet identifier indicative of the data stream (Wasilewski: Column 13 Line 57 – Column 14 Line 16 Column 4 Line 65 – 67 and Figure 1).

As per claim 22, Wasilewski teaches the encrypted portion includes at least one of the plurality of packets associated with at least one of the video stream, the audio stream, and the data stream (Wasilewski: Column 13 Line 57 – Column 14 Line 16 Column 4 Line 65 – 67 and Figure 1).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Longbit Chai whose telephone number is 571-272-3788. The examiner can normally be reached on Monday-Friday 8:00am-4:00pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2131

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Longbit Chai
Examiner
Art Unit 2131

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